

OSEP's Notice of Proposed Rule Making on IDEA's Maintenance of Effort Provision

On September 18, 2013, the U.S. Office of Special Education and Rehabilitative Services (OSERS) published a Notice of Proposed Rule Making (NPRM) in the Federal Register on changes the agency plans to make to the IDEA regulations regarding LEA Maintenance of Effort Eligibility and Compliance. The rules are proposed to clarify the compliance and eligibility standards; specify the MOE requirements for an LEA that fails to maintain effort in the prior year; and specify the consequences for an LEA's failure to maintain effort. No changes or expansions were made to the current exceptions allowed under IDEA. In the proposed rules, OSERS states that "the adjustments and exceptions that are built into the IDEA in section 613(a)(2)(B) and (C) provide sufficient protection to LEAs faced with changed circumstances, and they also help to ensure that sufficient funding will be available in the future to provide appropriate services to children with disabilities."

We have scheduled three dates to provide LEAs with highlights of the proposed rules and the clarifications DPI is seeking. In addition, we'll provide technical assistance on how LEAs can submit their own comments regarding OSERS' proposed rules. Comments are submitted electronically and are due December 2, 2013. To participate in one of the webinars, register below:

2:30 - 3:30 p.m. **Tuesday, Nov 12, 2013:** <https://attendee.gotowebinar.com/register/5828322376952504578>

11 a.m. - 12:00 p.m., **Wednesday, Nov 13, 2013:** <https://attendee.gotowebinar.com/register/1254271542032922370>

2:00 - 3:00 p.m., **Thursday, Nov 21, 2013:** <https://attendee.gotowebinar.com/register/5012969633771230210>

Special Education High Cost Web-Based Claim System opens Monday, November 25

The Special Education High Cost Aid program is intended to assist eligible applicants with meeting the costs of educating certain students with disabilities who require very costly services. The aid is based on the prior year's expenses and is funded with a combination of state categorical aid and funds awarded through the Individuals with Disabilities Education Act (IDEA). Expenses are calculated on a per student basis and include costs directly related to the education of a student with high cost special education needs. Claims for expenses incurred during 2012-2013 will be due January 10, 2014. The funds are paid to eligible recipients in June 2014 for 2012-2013 costs.

A student meets the definition of high cost if it is determined that the amount of direct special education service costs generated by the student is more than \$30,000 after special education categorical aid amounts are deducted. Only costs associated with direct educational services provided to the student qualify for aid. Costs associated with administration or overhead are not eligible for reimbursement. Additional information on eligible costs can be viewed on the High Cost Aid technical assistance page: http://sped.dpi.wi.gov/sped_highcost

A high cost claim webinar tutorial session has been scheduled for 10 a.m., Monday, Nov. 25, 2013. The webinar will demonstrate the software and review reimbursable costs, as well as review the \$10,000 base adjustment. To register, please visit <https://attendee.gotowebinar.com/register/3475355398884641282>.

Transportation and Special Education Funding

DPI has recently updated technical assistance on transportation and special education funding. The Special Education Transportation Overview (<http://sped.dpi.wi.gov/files/sped/pdf/spec-ed-transportation-overview.pdf>) addresses when transportation is actually special education transportation and thus eligible for special funding. It also provides guidance regarding students in the same household as a student who requires specialized transportation. A companion piece is the Specialized Transportation Aid Eligibility and Funding Overview (<http://sfs.dpi.wi.gov/files/sfs/pdf/SPED%20Tran%20Aid%20Elig.pdf>) which provides details on exactly what is eligible for state aid, how to determine if a route is eligible, and the steps required to ensure that a vehicle purchased for special education is eligible for state categorical aid reimbursement. There will also be a large group session at the Federal Funding Conference on pupil transportation and the various sources of funding and their rules.

FY 2013 Carryover

Unspent IDEA funds from FY 2013 will be added as carryover to the FY 2014 IDEA allocations within the IDEA budget software next week. After that time, LEAs will not be able to adjust their estimated carryover amounts in the "Maintain Budget Amounts" section of the budget software.